REMARKS

Claims 1-29 are all of the claims pending in the application.

I. Summary of the Office Action

The Examiner withdrew the objections to claims 11 and 25 and the rejection of claims 4-7, 12, and 18-21 under 35 U.S.C. § 112, second paragraph.

Claims 1-3, 6, 12, 15-17, and 20 remain rejected under 35 U.S.C. § 102(e), and newly added claims 28 and 29 are also rejected under 35 U.S.C. § 102(e). Claims 5, 8-11, 13, 14, 19, and 22-27 remain rejected under 35 U.S.C. § 103(a).

Claims 4, 7, 18, and 21 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

II. Claim Rejections under 35 U.S.C. § 102(e)

Claims 1-3, 6, 12, 15-17, 20, 28, and 29 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0025810 to Takayama et al. (hereinafter "Takayama"). Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider the rejection at least in view of the comments which follow.

The Examiner alleges that Takayama discloses a mobile terminal comprising the following features, recited in claim 1:

> an access point search unit for searching for peripheral connectable access points and for obtaining access point data, [... and]
>
> an access point data table in which the access point data detected and obtained by the access point search unit are recorded

Applicant respectfully disagrees. In the Amendment filed on July 9, 2008, Applicant respectfully submitted that, instead of a mobile terminal searching for peripheral connectable access points and obtaining access point data, and instead of a data table where the data obtained by the mobile terminal is recorded, according to Takayama, the station downloads hopping information of neighboring access points from the subscription access point (*see* paragraph 0077 of Takayama).

A person of ordinary skill in the art would understand that a mobile terminal searching for peripheral connectable access points and obtaining access point data is not the same as downloading information on neighboring access points from a single subscription access point.

According to Takayama, each of the access points (not the mobile stations) receives hopping information of the neighboring access points and constructs a database using the received information (*see* paragraph 0018 of Takayama). Then, rather than the mobile terminal searching for access points and obtaining access point data, which is recorded in an access point data table, according to Takayama, the mobile terminal monitors the radio beacons of the connected access point and downloads the database of hopping information of the neighboring access points from the connected access point (*see* paragraph 0018 of Takayama).

In response to this argument for patentability, the Examiner alleges that Takayama discloses a mobile terminal comprising a wireless LAN interface and a CPU that scans and monitors beacons for peripheral access point data for storage in a database. The Examiner further alleges that "searching for peripheral connectable access points" is taught by the scanning operation disclosed by Takayama, and that access point data is downloaded from the access point found during the scanning operation. *See* pages 8 and 9 of the Office Action.

Applicant respectfully disagrees. Contrary to the Examiner's assertion, Takayama does not disclose a mobile terminal comprising a wireless LAN interface and a CPU that scans and monitors beacons for peripheral access point data for storage in a database.

Firstly, according to Takayama, scanning all channels of the radio frequency via the wireless MAC controller 32 is performed only when hopping information is not downloaded (*see* FIG. 8, step S85 and paragraph 0083 of Takayama). Takayama does not disclose storing the information obtained by scanning in any database. Instead, paragraph 0081 and FIG. 8 of Takayama illustrate that the database includes hopping information that has been downloaded, not information obtained through scanning. According to Takayama, when all channels of the radio frequency are scanned (because hopping information is not downloaded), a database is not used (*see* FIG. 8 of Takayama). Takayama only discloses using a database to compare the communication situations of the neighboring access points when the hopping information of the neighboring access points has been downloaded (*see* FIG. 8, steps S81 and S82 of Takayama). Thus, Takayama does not disclose recording in an access point data table access point data detected and obtained by the access point search unit of a mobile terminal.

Secondly, when hopping information is downloaded from the subscription access point, the mobile terminal does not search for peripheral connectable access points. Instead, according to Takayama, hopping information of neighboring access points is saved in the subscription access point and downloaded by the station (*see* paragraph 0077 of Takayama). Thus, it is unnecessary for a mobile terminal to search for peripheral connectable access points because the hopping information has been downloaded. The Examiner points to disclosure regarding monitoring beacons (*see* page 9 of the Office Action), but according to Takayama, beacon

quality is monitored to determine the latest radio situation of neighboring access points, not to search for peripheral connectable access points.

Accordingly, Applicant respectfully submits that Takayama does not disclose that the mobile terminal searches for the peripheral connectable access points and obtains the access point data, which is recorded in an access point data table. At least for this reason, Applicant respectfully submits that claim 1 is patentable over Takayama.

Claim 15 recites features similar to, although not necessarily coextensive with, the features discussed above with respect to claim 1. Thus, Applicant respectfully submits that claim 15 is patentable over Takayama at least for the reasons discussed above with respect to claim 1. Applicant respectfully submits that claims 2, 3, 6, 12, and 28 and claims 16, 17, 20, and 29 are patentable over Takayama at least by virtue of their dependency on claims 1 and 15, respectively.

III. Claim Rejections under 35 U.S.C. § 103(a)

Claims 5 and 19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takayama in view of U.S. Patent Application Publication No. 2001/0046879 to Schramm et al. (hereinafter "Schramm").

Claims 8, 9, 22, and 23 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takayama in view of U.S. Patent No. 6,393,282 to Iimori (hereinafter "Iimori").

Claims 10 and 24 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takayama in view of U.S. Patent No. 5,864,578 to Yuen (hereinafter "Yuen").

Claims 11 and 25 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takayama in view of U.S. Patent Application Publication No. 2003/0123405 to del Prado et al. (hereinafter "del Prado").

Claims 13, 14, 26, and 27 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takayama in view of U.S. Patent Application Publication No. 2004/0063426 to Hunkeler (hereinafter "Hunkeler").

Applicant respectfully submits that claims 5, 8-11, 13, 14, 19, and 22-27 are patentable over Takayama by virtue of their dependency on claim 1 or 15, as discussed above. Applicant further submits that the disclosure of Schramm, Iimori, Yuen, del Prado, and Hunkeler does not cure the deficiencies of Takayama with respect to claims 1 and 15. Accordingly, Applicant respectfully submits that claims 5, 8-11, 13, 14, 19, and 22-27 are patentable over the various combinations of Takayama, Schramm, Iimori, Yuen, del Prado, and Hunkeler applied by the Examiner.

IV. Allowable Subject Matter

The Examiner objected to claims 4, 7, 18, and 21 as being dependent upon a rejected base claim, but the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully requests that the rewriting of claims 4, 7, 18, and 21 be held in abeyance until the Examiner has considered Applicant's arguments with respect to the base claims.

The reasons for allowability set forth by the Examiner merely loosely paraphrase claims 7, 18, and 21, and therefore do not accurately restate the claimed invention. Applicant respectfully submits that the claims are allowable because of the features recited therein, and not

for other reasons. Accordingly, Applicant disagrees with the Examiner's characterization of claims 7, 18, and 21.

Further, Applicant does not admit to the characterization of the teachings of U.S. Patent Application Publication No. 2002/0154623 to Hundemer.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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